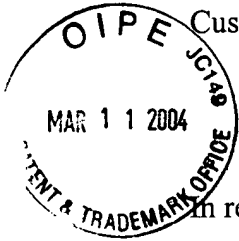


03-15-04



Customer No.: 07278

Docket No.: 06727/100J782-US5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ehud Cohen, et al.

Serial No.: 10/722,589

Filed: November 25, 2003

For: TREATMENT OF DISORDERS BY UNIDIRECTIONAL NERVE STIMULATION

March 4, 2004

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted in accordance with 37 C.F.R. 1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

1. This IDS should be considered, in accordance with 37 C.F.R. 1.97, as it is filed: (Check one of the boxes A-D)

- ☐ A. Within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.
- ☒ B. before the mailing date of a first office action on the merits, or a first office action after filing a request for continued examination.
- ☐ C. after (A) and (B) above, but before the mailing date of a final rejection, a notice of allowance, or any other action that closes prosecution, and Applicants have made

Docket No. 06727/100J782-US5

the necessary statement in box "i" below or paid the necessary fee in box "ii" below.

(check one of the boxes "i" and "ii" below:)

- ☐ i. Counsel states that, upon information and belief, each item of information listed herein was either (a) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.
- ☐ ii. A check for the fee set forth in 1. 17(p), presently believed to be \$180, is enclosed.
- ☐ D. after (A), (B) and (C) above, but before payment of the issue fee: Counsel states that, upon information and belief, each item of information listed herein was either (i) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the IDS; or (ii) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.
- ☐ i. A check for the fee set forth in 1.17 (p), presently believed to be \$180, is enclosed.

2. In accordance with 37 C.F.R. 1.98, this IDS includes a list (e.g., form PTO/SB/08) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached, except as explained below.

(check boxes A, B and/or C and fill in blanks, if appropriate.).

- ☐ A. Pursuant to the Notice issued by the United States Patent and Trademark Office dated July 11, 2003 waiving the requirements of 37 C.F.R. § 1.98(a)(2)(i), a copy/copies of the United States Patent on PTO/SB08 is/are not being submitted.
- ☐ B. Document(s) _____ is (are) deemed substantially cumulative to document(s) _____, and, in accordance with 1.98(c), only a copy of each of the latter documents is enclosed.
- ☐ C. Certain documents were previously cited by or submitted to the Office in the following prior applications, which are relied upon under 35 U.S.C. 120:

[SERIAL NO. & FILING DATE].

Applicant identifies these documents by attaching hereto copies of the forms PTO-892 and PTO/SB08 from the files of the prior application(s) or a fresh PTO/SB/08 listing these documents, and request that they be considered and made of record in accordance with 1.98(d). Per 37 CFR 1.98(d), copies of these documents need not be filed in this application.

☐ 3. Document(s) _____ are not in the English language. In accordance with 1.98(c), Applicant states:

- ☐ An English translation of each document (or of the pertinent portions thereof), or a copy of each corresponding English-language patent or application is enclosed.
- ☐ A concise explanation of the relevance of document(s) _____ is found in the attached search report (see MPEP § 609 A(3)x).
- ☐ A concise explanation of the relevance of document(s) _____ is set forth as follows: [Insert concise explanation of relevance]
- ☐ A concise explanation of the relevance of document(s) _____ can be found on page(s) _____ of the specification.
- ☐ A concise explanation of document(s) _____ can be found on the attached sheet.

☐ 4. No explanation of relevance is necessary for documents in the English language (see MPEP § 609 A(3)).

☐ 5. Other information being provided for the examiner's consideration follows: [A/An _____ Search Report, dated _____, which issued during the prosecution of _____ Application No. _____ which corresponds to the present application.]

6. In accordance with 37 C.F.R. 1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless other-wise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

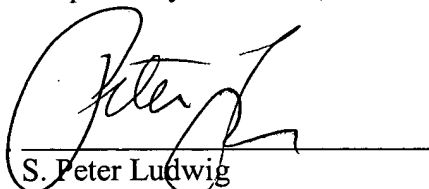
CROSS REFERENCE UNDER 37 C.F.R. §1.78 TO RELATED APPLICATIONS

Pursuant to 37 C.F.R. § 1.78, Applicant notes that the above-identified patent application may be related to the following U.S. Patent Applications:

(1) U.S. Patent Application Serial No _____, filed _____.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter Ludwig", is written over a horizontal line.

S. Peter Ludwig
Registration No. 25,351
Attorney for Applicants

March 4, 2004

DARBY & DARBY P.C.
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PTO/SB/08a/b (08-03)

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Substitute for form 1449A/B/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/722,589
				Filing Date	November 25, 2003
				First Named Inventor	Ehud Cohen
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	1	of	2	Attorney Docket Number	06727/100J782-US5

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AA**	US-5,540,730-B1	07-30-1996	Terry, Jr.	
	AB**	US-5,188,104-B1	02-23-1993	Wernicke	
	AC**	US-5,263,480-B1	11-23-1993	Wernicke	
	AD**	US-5,571,150-B1	11-05-1996	Wernicke	
	AE**	US-4,702,254-B1	10-27-1987	Zabara	
	AF**	US-4,867,164-B1	09-19-1989	Zabara	
	AG**	US-5,025,807-B1	06-25-1991	Zabara	
	AH**	US-6,205,359-B1	03-20-2001	Boveja	
	AI**	US-5,205,285-B1	04-27-1993	Baker, Jr.	
	AJ**	US-5,299,569-B1	04-05-1994	Wernicke	
	AK**	US-5,335,657-B1	08-09-1994	Terry, Jr.	
	AL**	US-5,707,400-B1	01-13-1998	Terry, Jr.	
	AM**	US-5,282,468-B1	02-01-1994	Klepinski	
	AN**	US-4,628,942-B1	12-16-1986	Sweeney	
	AO**	US-4,535,785-B1	08-20-1985	van den Honert	
	AP**	US-4,602,624-B1	07-29-1986	Naples	
	AQ**	US-5,199,430-B1	04-06-1993	Fang	
	AR**	US-5,215,086-B1	06-01-1993	Terry, Jr.	
	AS**	US-5,755,750-B1	05-26-1998	Petruska	
	AT**	US-4,649,936-B1	03-17-1987	Ungar	
	AU**	US-4,608,985-B1	09-02-1986	Crish	
	AV**	US-5,423,872-B1	06-13-1995	Cigaina	
	AW**	US-5,716,385-B1	02-10-1998	Mittal	
	AX**	US-6,097,984-B1	08-01-2000	Douglas	
	AY**	US-6,104,955-B1	08-15-2000	Bourgeois	
	AZ**	US-6,091,922-B1	07-18-2000	Bisaiji	
	AA1**	US-5,836,994-B1	11-17-1998	Bourgeois	
	AB1**	US-6,026,326-B1	02-15-2000	Bardy	
	AC1**	US-6,083,249-B1	07-04-2000	Familoni	
	AD1**	US-5,690,691-B1	11-25-1997	Chen	
	AE1**	US-5,292,344-B1	03-08-1994	Douglas	
	AF1**	US-4,962,751-B1	10-16-1990	Krauter	
	AG1**	US-4,739,764-B1	04-26-1988	Lue	
	AH1**	US-4,573,481-B1	03-04-1986	Bullara	
	AI1**	US-5,540,734-B1	07-30-1996	Zabara	
	AJ1**	US-6,319,241-B1	11-20-2001	King	
	AK1**	US-3,411,507-B1	11-19-1968	Wingrove	

**Pursuant to the Notice issued by the United States Patent and Trademark Office dated July 11, 2003 waiving the requirements of 37 C.F.R. § 1.98(a)(2)(i), a copy/copies of the United States Patent on PTO/SB08 is/are not being submitted.

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)			
	BA	WO-01/10375-A2	02-15-2001	Impulse Dynamics NV	

Examiner Signature		Date Considered	
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/722,589
				Filing Date	November 25, 2003
				First Named Inventor	Ehud Cohen
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	2	of	2	Attorney Docket Number	06727/100J782-US5

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CA	U.S. Provisional Patent Application No. 60/263,834, entitled "Selective Blocking of Nerve Fibers", filed January 25, 2001.	
	CB	Ungar, I. J., et al. "Generation of Unidirectionally Propagating Action Potentials Using a Monopolar Electrode Cuff", Annals of Biomedical Engineering, Vol. 14, pp. 437-450, 1986.	
	CC	Sweeney, James D., et al. "An Asymmetric Two Electrode Cuff for Generation of Unidirectionally Propagated Action Potentials", IEEE Transactions on Biomedical Engineering, Vol. BME-33, No. 6, June 1986.	
	CD	Naples, Gregory G., et al. "A Spiral Nerve Cuff Electrode for Peripheral Nerve Stimulation", IEEE Transactions of Biomedical Engineering, Vol. 35, No. 11, November 1998, pp. 905-916	
	CE	Sweeney, James D., et al. "A Nerve Cuff Technique for Selective Excitation of Peripheral Nerve Trunk Regions", IEEE Transactions on Biomedical Engineering, Vol. 37, No. 7, July 1990.	
	CF	Van Den Honert, et al. "Generation of Unidirectionally Propagated Action Potentials in a Peripheral Nerve By Brief Stimuli", Science magazine, Vol. 206, December 14, 1979, pp. 1311-1312.	
	CG	Van Den Honert, et al. "A Technique for Collision Block of Peripheral Nerve: Frequency Dependence", IEEE Transactions of Biomedical Engineering, Vol. BME-28, No. 5, May 1981, pp. 379-382	
	CH	Rijkhoff, N.J.M., et al. "Orderly recruitment of motoneurons in an acute rabbit model", 20th Annual International Conference of the IEEE Engineering in Medicine and Biology Society, Vol. 20, No. 5, 1998, pp. 2564-2565	
	CI	Baratta, et al. "Orderly stimulation of Skeletal Muscle Motor Units with Tripolar Nerve Cuff Electrode", IEEE Transactions of Biomedical Engineering, Vol. 36, no. 8, August 1989, pp.836-843	
	CJ	Devor, M. "Pain Networks", Handbook of Brain Theory and Neural Networks", Ed. M.A. Arbib, MIT Press, page. 698, 1998.	
	CK	U.S. Patent Application No.: 09/824,682 entitled "Method and Apparatus for Selective Control of Nerve Fibers" filed April 4, 2001	
	CL	Cortese, J.F. "Vagus Nerve Stimulation for Control of Intractable Epileptic Seizures" available at http://www.science.wayne.edu/~bio340/StudentPages/corese/ , May 31, 2001.	
	CM	Website: http://www.bcm.tmc.edu/neurol/struct/epilep/epilepsy_vagus.html , May 31, 2001	
	CN	Fitzpatrick, et al. "A Nerve Cuff Design for the Selective Activation and Blocking of Myelinated Nerve Fibres", Annual Conference of the IEEE Engineering in Medicine and Biology Society, Vol. 13, No. 2, 1991.	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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Application No. (if known): 10/722,589

Attorney Docket No.: 06727/100J782-US5

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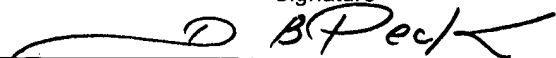
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on 11 March 10, 2004
Date



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PTO SB/08
15 Documents